

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )

Plaintiff, )

V.

JOSE A. ESPINOZA,

Defendant. )

4:10CR3113

# MEMORANDUM AND ORDER

After careful review,

IT IS ORDERED that:

(1) The defendant's § 2255 motion (filing no. 146) under the *Johnson* case is denied for among reasons because the sentence(s) for the offense(s) of conviction were not based upon the statutory or Guidelines residual clause.

(2) Judgment will be entered by separate document.

(3) A certificate of appealability is denied.

Dated June 30, 2016.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge